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अण्डमान तथा निकोबार प्रशासन

ANDAMAN AND NICOBAR ADMINISTRATION

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NOTIFICATION

Port Blair, dated the 28th October, 2009

No.149/09/F.No. 6-43/GC/NREGA/2009(II)-PR.—WHEREAS, the draft A & N Islands (Rural Employment Grievance Redressal Mechanism) Rules, 2009 were published in The Daily Telegrams dated 24.08.2009 as required under Section 32 of National Rural Employment Guarantee Act, 2005 inviting suggestions/objections.

AND WHEREAS, the suggestions and objections, received by the Administration were carefully considered by the Administration with reference to the provisions in the Act.

NOW, THEREFORE, in exercise of powers conferred under Section 32(2)(d) of National Rural Employment Guarantee Act, 2005, read with Ministry of Home Affairs Notification S.O 934 (E) dated 24.04.2008, I, Bhupinder Singh, Lt. Governor (Administrator), Andaman & Nicobar Islands hereby make the following rules for compliance of Section 19 of the said Act with immediate effect namely:-

1. Short title, extent and commencement

- (1) These rules may be called the Andaman & Nicobar Islands (Rural Employment Grievance Redressal Mechanism) Rules, 2009.
- (2) These rules shall extend to the whole of Andaman & Nicobar Islands.
- (3) These rules shall come into force on the date of their publication in the Official Gazette.

2. Definitions

- (1) In these rules, unless the context otherwise requires:-
 - (a) 'Act' meant the National Rural Employment Guarantee Act, 2005 (42 of 2005).
 - (b) 'District Programme Coordinator' means Deputy Commissioner of the concerned District.
 - (c) 'Programme Officer' means the Block Development Officer.
 - (d) 'Section' means a section of the Act.
 - (e) 'State Level Officer' means the Director of the Rural Development Department, Andaman & Nicobar Administration.
- (2) Words and expressions used in these rules and not defined but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Designation of Grievance Redressal Officer

- (1) The Grievance Redressal Officer at the Block level including Gram Panchayats within the jurisdiction of the Block shall be the Programme Officer and at the District level the District Programme Coordinator.
- (2) A system of appeal will be there to deal with grievances at each level. Any person aggrieved by an order of Gram Panchayat may prefer an appeal to the programme Officer and an appeal against the order of the Programme Officer will lie to the District Programme Coordinator and appeal against the order of the District Programme Coordinator will lie to the Secretary of the Rural Development, Andaman & Nicobar Administration.

4. Procedure for filing complaints and disposal of appeals

- (1) A person who has any complaint should submit either in writing or orally to the concerned Programme Officer or District Programme Coordinator.
- (2) There shall be complaint boxes installed at conspicuous places in the offices of the Programme Officers and District Programme Coordinators to facilitate submission of Complaints.
- (3) On receiving the complaints, the concerned District Programme Coordinator and the Programme Officer shall enter the name and address of the petitioner and nature and date of the petition in the complaint register maintained by him and dated and numbered acknowledgement shall be issued.
- (4) Complaints that fall within the jurisdiction of the Programme Officer, including complaints concerning the implementation of the Act by a Gram Panchayat shall be disposed of by the Programme Officer within 7 days of its receipt and in case it relates to a matter to be resolved by any other authority, the Programme Officer shall conduct a preliminary enquiry and refer the matter to such authority within 7 days under intimation to the complainant.
- (5) Failure to dispose of a complaint in 7 days will be considered a contravention of Section 25 of the Act. If the Programme Officer does not dispose of a complaint within 7 days, the complainant shall report the matter to the District Programme Coordinator and if the District Programme Coordinator does not dispose of a complaint within 15 days, the complainant shall report the matter to the Secretary, Rural Development, who will dispose the appeals within 30 days. The following officers may impose fine of Rs. 500/- under this rule on the following functionaries in case of failure to dispose a complaint within 7 days by the Programme Officer and 15 days by the DPC:
 - (i) District Programme Coordinator in the case of Programme Officer.
 - (ii) Secretary, Rural Development in the case of District Programme Coordinator.

Fines so collected shall be paid into the NREGA account at the Block, District and State level as the case may be.

- (6) In case of a prima facie evidence regarding financial irregularities, the District Programme Coordinator will ensure that a First Information Report is filed.
- (7) Secretary, Rural Development/District Programme Coordinator/Programme Officer may inquire into any complaint suo moto or through reference and establishment of guilt will entail imposition of penalty of Rs. 1000/- on the concerned guilty official under this rule. The concerned Programme Officer, District Programme Coordinator, Secretary of Rural Development shall impose the fine on the guilty person working under his jurisdiction and fine shall be paid into the NREGA account of the concerned Block, District or State level.

- (8) In case the concerned authority finds violation of entitlements, it will be responsible for informing and redressing the grievances of the person/party aggrieved. The concerned authority will be responsible for such grievance redressal within a week and not later than 15 days. The action taken shall be informed to the complainant.
- (9) The action taken on the complaints received by the Programme Officer and the District Programme Coordinator shall be placed before the meetings of the Panchayat Samity and the Zilla Parishad respectively.
- (10) Appeals against the orders of the Gram Panchayat shall be made to the Programme Officer; those against the Programme Officer shall be made to District Programme Coordinator; those against the District Programme Coordinator shall be made to the Secretary of Rural Development, Andaman & Nicobar Administration.
- (11) All Appeals shall be made within 45 days of the order issued.
- (12) All Appeals shall be disposed off within one month.

5. Procedure for monitoring of complaints

- (1) The State Level Officer shall give wide publicity for Grievance Redressal Mechanism at all levels.
- (2) The monitoring of disposal of the complaints by the Programme Officer shall be done by the District Programme Coordinator and the monitoring of disposal of the complaints by the District Programme Coordinator shall be done by the State Level Officer. Data generated by classifying petitions shall be analysed each month for region and type so that it becomes a tool for identifying areas that require senior management attention and redesigning of systems.
- (3) Monthly reports on complaints received and disposed of shall be sent from Programme Officer to District Programme Coordinator and from District Programme Coordinator to the State Level Officer and from the State Level Officer to the Secretary of Rural Development, Andaman & Nicobar Administration.
- (4) The State Level Officer shall monitor the disposal of complaints in the state.

Lt. Gen. (Retd.) Bhopinder Singh
Lieutenant Governor (Administrator),
Andaman and Nicobar Islands.

By order and in the name of the
Lieutenant Governor, A & N Islands

Sd/-
(Sasikala Viswanathan)
Joint Secretary (RD)